

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlmais Johnson	Team: Team # 5	CCRB Case #: 200817966	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/09/2008 6:30 PM	Location of Incident: Carpenter Avenue and East 227th Street	Precinct: 47	18 Mo. SOL 6/9/2010	EO SOL 6/9/2010	
Date/Time CV Reported Mon, 12/15/2008 10:44 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/15/2008 10:44 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Beddows	30576	926556	047 PCT
2. POM Juan Rodriguez	16076	939343	047 PCT
3. POM Robert Roda	01234	939332	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Beddows	Abuse: Officer Daniel Beddows stopped § 87(2)(b)	
B.POM Juan Rodriguez	Abuse: Officer Juan Rodriguez stopped § 87(2)(b)	
C.POM Daniel Beddows	Force: Officer Daniel Beddows used physical force against § 87(2)(b)	
D.POM Juan Rodriguez	Force: Officer Juan Rodriguez used physical force against § 87(2)(b)	
E.POM Robert Roda	Force: Officer Robert Roda used physical force against § 87(2)(b)	
F.POM Daniel Beddows	Discourtesy: Officer Daniel Beddows spoke obscenely and/or rudely to § 87(2)(b)	
G.POM Juan Rodriguez	Discourtesy: Officer Juan Rodriguez spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	
H.POM Robert Roda	Discourtesy: Officer Robert Roda spoke obscenely and/or rudely to § 87(2)(b)	
I.POM Juan Rodriguez	Force: Officer Juan Rodriguez used physical force against § 87(2)(b)	
J.POM Juan Rodriguez	Force: Officer Juan Rodriguez pointed his gun at § 87(2)(b)	

Case Summary

§ 87(2)(b) filed a complaint with the CCRB via telephone on December 15, 2008 and § 87(2)(b) filed a complaint regarding the incident on December 16, 2008. On December 9, 2008, at approximately 5:30 p.m., Officers Beddows, Rodriguez and Roda attempted to stop § 87(2)(b) in the vicinity of § 87(2)(b) and § 87(2)(b) in the Bronx. § 87(2)(b) fled to East 227th Street and Carpenter Avenue, where he was apprehended. The following allegations resulted:

Allegation A) Abuse of Authority: Officer Daniel Beddows stopped § 87(2)(b)

Allegation B) Abuse of Authority: Officer Juan Rodriguez stopped § 87(2)(b)

§ 87(2)(g)

Allegation C) Force: Officer Daniel Beddows used physical force against § 87(2)(b)

Allegation D) Force: Officer Juan Rodriguez used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation E) Force: Officer Robert Roda used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation F) Discourtesy: Officer Daniel Beddows spoke discourteously and/or rudely to § 87(2)(b)

Allegation G) Discourtesy: Officer Juan Rodriguez spoke discourteously and/or rudely to § 87(2)(b)

Allegation H) Discourtesy: Officer Robert Roda spoke discourteously and/or rudely to § 87(2)(b)

§ 87(2)(g)

Allegation I) Force: Officer Juan Rodriguez used physical force against § 87(2)(b)

Allegation J) Force: Officer Juan Rodriguez pointed a gun at § 87(2)(b)

§ 87(2)(g)

Results of Investigation

Civilian Statement(s)

Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b) old black male, 6'1" in height and weighing 160 pounds with black hair and brown eyes. § 87(2)(b)

CCRB Statements

§ 87(2)(b) filed a complaint with the Civilian Complaint Review Board via telephone on December 16, 2008 (encl. 3A-3C) and provided a sworn statement on January 13, 2009 (encl. 5A-5G). § 87(2)(b)

On December 9, 2008, at 5:30 p.m., § 87(2)(b) was standing outside of his residence on the corner of § 87(2)(b) and § 87(2)(b) in the Bronx. Present with him was his friend § 87(2)(b) and an individual known only as § 87(2)(b) § 87(2)(b) who was dressed in a brown leather jacket and cream-colored hooded sweatshirt with blue jeans, denied that anyone had been inside his apartment on this date and also denied that he or his friends had consumed alcohol or narcotics on the

date of incident. Both § 87(2)(b) and § 87(2)(b) were heading to meet § 87(2)(b)'s girlfriend but were hanging out at this point.

A friend named § 87(2)(b) approached the group to relate a story about a recent robbery and shooting. § 87(2)(b) walked off to meet his girlfriend and a short while later, § 87(2)(b) walked off to join him. § 87(2)(b) observed a gray Jeep Cherokee approach, traveling on § 87(2)(b) towards § 87(2)(b). During his CCRB testimony, § 87(2)(b) alternately stated that he was still speaking with his friends and that he had already started walking away when the car approached him from behind. As the car approached, § 87(2)(b) walked around the corner and across the street onto § 87(2)(b). The occupants of the vehicle, who he described as a 34-year-old white male, 5'7" in height with a stocky build and a bearded 30 to 32 year old Hispanic male, 5'11" in height and weighing approximately 200 pounds with a stocky build, exited and yelled, "Hey! Hey!" These officers have been identified via the CCRB as Officer Beddows and Officer Juan Rodriguez. § 87(2)(b) continued walking because he believed they were seeking to rob him. § 87(2)(b) was later informed by an unidentified female witness that a third officer, identified via the CCRB as Officer Roda, exited the vehicle but then drove it in pursuit of him.

§ 87(2)(b) stated that he never passed § 87(2)(b) during his flight as § 87(2)(b) remained ahead of him on East 226th Street for the entirety of the chase. When § 87(2)(b) approached the corner of East 227th Street, he turned left into an apartment complex and entered an open alleyway. In the alleyway, he jumped over a wall approximately five to six feet in height. § 87(2)(b) stated that he tripped as he went over the wall and landed on his right side with both hands on the ground. § 87(2)(b) who denied that he was injured as a result of this, quickly got back to his feet and ran to a set of stairs. Upon descending the stairs, he was in a second alleyway that would have led back to Carpenter Avenue but the gate was locked.

Officer Beddows and Officer Rodriguez caught up with § 87(2)(b) approximately forty second later. One of the officers yelled, "Freeze! Police!" § 87(2)(b) indicated that this was the first time the officers identified themselves. § 87(2)(b) immediately placed his hands above his head and turned around. He alleged that without any warning, one of the officers—he could not say which—punched him once each in the left and right eye. § 87(2)(b) denied doing anything in response and noted that his hands remained at his sides. The other officer approached § 87(2)(b) and punched him once in the stomach, causing him to double over. One of the officers grabbed his clothing and threw him to the ground on his stomach. § 87(2)(b) initially stated that the officers then kicked him, but later stated that after he was brought to the ground, he was laying in a fetal position and the officers kneed his sides in order to get him to stretch his legs out.

When asked what the officers were saying as they struck him, § 87(2)(b) reported that they were saying, "Motherfucker" and "Fucking bitch." Although he initially stated that he could not say which officers were making these statements, he later claimed that Officer Beddows and Officer Rodriguez were saying nothing but, "You fucking bitch."

As he lay on the ground with his face in a manner that prevented him from seeing around him, one of the officers punched him on his side. § 87(2)(b) kept his hands at his sides throughout the struggle to ensure that he did not touch the officers and denied that his hands were ever underneath him. During the struggle, he had used his hands to push himself up off of the ground to get some air. § 87(2)(b) alleged that a plainclothes officer, who he described as a 37 year-old tall white male, approximately 6'1" in height and weighing approximately 200 pounds, kicked him on the left side of his face by his left eye. This officer has been identified via the CCRB as Officer Robert Roda. He believed that the kick occurred as § 87(2)(b) was walking around and so he did not see this. § 87(2)(b) alleged that he was then punched in on his right ribs and kicked in his right side by an

unknown officer. Later in his testimony, he added that Officer Roda kicked called him a “motherfucker.”

§ 87(2)(b) then heard § 87(2)(b) ask the officers what they were doing and so realized that § 87(2)(b) was watching the scene from the other side of a fence on Carpenter Avenue between East 227th Street and East 226th Street. § 87(2)(b) called to § 87(2)(b) for assistance, and § 87(2)(b) attempted to walk around to enter the alleyway. § 87(2)(b) heard one of the officers say, “Get the fuck out of here.” § 87(2)(b) claimed that the officer pointed a gun at § 87(2)(b) as he made this statement, but then clarified that § 87(2)(b) informed him of this afterwards.

Approximately three or four additional white male officers dressed in plainclothes responded to the location and also began to beat him. Later in his statement, he clarified that these officers did not strike him and instead prevented people from seeing what was happening. § 87(2)(b) initially stated that he believed that he sustained the injury to his wrist as he was being handcuffed, but later stated that he heard the snap when the officers lifted him from the ground.

§ 87(2)(b)'s arrest was then processed at the 47th Precinct stationhouse. § 87(2)(b) believed that the fingerprinting process exacerbated the injury to his hand. Upon seeing § 87(2)(b)'s injuries, officers called for an ambulance and he was transported to § 87(2)(b). § 87(2)(b) was later taken to § 87(2)(b) which determined that he had sustained a dislocation in his wrist. § 87(2)(b) denied having committed any of the offenses for which he was charged. When filing this complaint, § 87(2)(b) alleged that officers had planted marijuana on his person; he did not reiterate these claims in his sworn statement.

Arrest Photograph

An Arrest Photograph of § 87(2)(b) taken at the time of his arrest depicts a black male with surgical tape over both eyebrows (encl. 5H).

Photographs of Injury

After his interview, § 87(2)(b) provided the CCRB with photographs of his injuries. Although there were captions enclosed with several of the photographs, they do not indicate when they were taken or by whom (encl. 5I).

Complainant: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b) year old black male, 6’4” in height and weighing 260 pounds with black hair and brown eyes. § 87(2)(b)

CCRB Statements

§ 87(2)(b) filed a complaint with the CCRB on December 15, 2008 (encl. 3A-3C) and was interviewed at the CCRB on January 7, 2009 (encl. 4A-4H). On December 9, 2008, at 6:30 p.m., § 87(2)(b) was walking on the street in the vicinity of § 87(2)(b) and § 87(2)(b) in the Bronx. Accompanying him was § 87(2)(b) whom he has known for years, and an individual known as § 87(2)(b) who was a friend of § 87(2)(b)'s. After spending the past hour at the home of § 87(2)(b) they had decided to meet a friend at East 224th Street and Carpenter and walked in this direction. At the corner of § 87(2)(b) and § 87(2)(b) an unidentified friend of § 87(2)(b) greeted the group. § 87(2)(b) and § 87(2)(b) crossed the street to greet the friend but § 87(2)(b) continued on.

As § 87(2)(b) walked south on Carpenter Avenue, § 87(2)(b) ran past at full speed with two plainclothes officers in close pursuit. These officers were described as a muscular white male, approximately 5’8” in height, with short black hair, and a white or Hispanic male, approximately 6’1”

in height with short black hair. These officers have been identified by the CCRB as Officer Beddows and Officer Rodriguez. § 87(2)(b) began to run after § 87(2)(b) who traveled east on East 227th Street towards Lowerre Place, and ran into the parking lot of a large residential complex on the south side of East 227th Street. § 87(2)(b) ran through an entrance with no gate which led through a dark alleyway where residents discard garbage. § 87(2)(b) did not see what happened to § 87(2)(b) in this alley. He decided not to enter the alley due to the terrain, but instead ran around the block to Carpenter Avenue, between East 227th and 226th Streets, where he knew that there was an exit from the parking lot and a different vantage point. After a few seconds, § 87(2)(b) arrived to a point where he could observe Carpenter Avenue. In the parking lot he observed § 87(2)(b) lying face-down on the ground in the parking lot, approximately six feet away from where he stood. Officer Beddows knelt at § 87(2)(b)'s side, and he held § 87(2)(b)'s right arm behind his back with one hand while he punched § 87(2)(b) two to three times in the side of his face with his free hand.

Meanwhile, Officer Rodriguez stood at § 87(2)(b)'s right side and kicked § 87(2)(b) once in the right side, near his ribs. § 87(2)(b) did not recall whether either officer was saying anything to § 87(2)(b) at this time. For his part, § 87(2)(b) was screaming in pain. § 87(2)(b) was unable to see where § 87(2)(b)'s free arm was situated. § 87(2)(b) yelled, "Stop, stop, stop!" Officer Rodriguez kicked § 87(2)(b) a second time in the right side, near his ribs. § 87(2)(b) again begged Officer Rodriguez to stop. Instead, Officer Rodriguez shone a flashlight at § 87(2)(b) and told him, "Get the fuck out of here." Officer Rodriguez then kicked § 87(2)(b) a third time in the right side, spat on § 87(2)(b)'s back, then kicked him a fourth time in the right side.

§ 87(2)(b) walked around to the side entrance of the parking lot, which was also located on Carpenter Avenue between East 227th Street and East 226th Street. Officer Rodriguez followed § 87(2)(b) around the perimeter of the lot and met him at the entrance. When Officer Rodriguez met § 87(2)(b) at the entrance to the lot, he pushed § 87(2)(b) in chest with two hands, then removed his gun and pointed it at § 87(2)(b)'s chest. Officer Rodriguez then instructed § 87(2)(b) not to move. § 87(2)(b) was still lying face-down on the ground, approximately seven feet away; he could not see the placement of § 87(2)(b)'s hands and could not see what Officer Beddows was doing. As he interacted with Officer Rodriguez, a number of additional officers arrived at the scene and they blocked off Carpenter Avenue between East 228th Street and East 226th Street. One of the responding officers, who he described as a young black male, approximately 5'6" in height with a slim build, pulled § 87(2)(b) away from the scene and led him to the street corner.

He initially stated that he observed the officers returning to § 87(2)(b) and continuing to assault him, but he later acknowledged that he was unable to see § 87(2)(b) after his encounter with the black male officer, though he could hear § 87(2)(b) screaming. Officer Beddows and Officer Rodriguez then led § 87(2)(b) to a marked patrol car. While placing § 87(2)(b) in the rear of the vehicle, with his hands behind his back, Officer Rodriguez kicked him in the thigh and spat on him a second time. § 87(2)(b)'s face was covered in blood, and he appeared to be walking with a limp. § 87(2)(b) could not recall which leg § 87(2)(b) appeared to be favoring.

Attempts to Contact Civilians

§ 87(2)(b) and § 87(2)(b) claimed that a friend named § 87(2)(b) was possibly present for the incident, but neither could provide a full name or any contact information for him.

NYPD Statement(s):

Subject Officer: OFFICER DANIEL BEDDOWS

- *Officer Daniel Beddows is a § 87(2)(b) year old white male, 5'10" in height and weighing 200 pounds, with brown hair and green eyes.*

- *On December 9, 2008, Officer Beddows was assigned to the Anti-Crime team with Officer Robert Roda and Officer Juan Rodriguez from 5:30 p.m. to 2:05 a.m. Officer Beddows was dressed in plainclothes, specifically a green jacket and blue jeans. During his tour he utilized an unmarked grey Cherokee.*

Memo Book

Officer Beddow's Memo Book contains two notations indicating that at 6:15 p.m., an individual was stopped and at 6:29 p.m., an individual was arrested (encl. 9A-9B).

CCRB Statement

Officer Daniel Beddows was interviewed at the CCRB on July 15, 2009 (encl. 10A-10C). On December 9, 2008, at approximately 6:10 p.m., there was a radio transmission of a report of a gun on White Plains Road at an unknown intersection. The description given over the radio was "male black wearing a brown jacket and blue jeans." Officers Beddows, Rodriguez and Roda canvassed the area for the suspect. At 6:15 p.m., as they were driving on Carpenter Avenue near the intersection of East 227th Street they observed an individual fitting the description of the suspect—identified as § 87(2)(b)—walking with two other males—identified as § 87(2)(b) and § 87(2)(b). The officers identified themselves as police officers. § 87(2)(b) looked at the officers and walked behind their vehicle. Officer Beddows exited the vehicle on the driver's side and asked him to approach but § 87(2)(b) began to run. Officer Roda remained with the vehicle while Officers Beddows and Rodriguez pursued.

§ 87(2)(b) made a left turn off of § 87(2)(b) and into a backyard. He tripped on a pile of garbage, fell, then got up and kept running. He ran up a slope to the top of a wall about eight feet tall, and then jumped down in what he described as a "belly flop." He could not tell whether § 87(2)(b) had been injured as a result of this fall. Officer Beddows, pursuing, jumped off the wall onto a ledge and from there onto the ground.

§ 87(2)(b) entered an alleyway, at the end of which was a metal gate that required a key; he was unable to proceed. He spun around and faced Officer Beddows "like he wanted to fight." The two entered into a physical altercation, including punches and wrestling. Officer Beddows' goal was to get control of § 87(2)(b) and put him in handcuffs, as well as to protect himself. § 87(2)(b) punched Officer Beddows in the chest and head. Officer Beddows punched § 87(2)(b) on the face and chest. He believes he landed about five or six punches. § 87(2)(b) then threw his body onto Officer Beddows, pushing him against a wall and causing him to fall to the ground on his buttocks. Officer Beddows was winded by this point, but he held § 87(2)(b)'s hands down on the ground to prevent him from reaching for his weapon and called for his partners.

At that time, Officer Beddows noticed another male—identified by the CCRB as § 87(2)(b)—on the other side of the gate. § 87(2)(b) called for his assistance, but § 87(2)(b) could not open the locked gate. Officer Beddows called out "Don't you come in here!" He stated that he has no specific recollection of using profanity, but he may have done so. About 30 seconds after the start of the fight, Officer Rodriguez arrived and tackled § 87(2)(b) who was on top of Officer Beddows, in an attempt to pull him off. Officer Beddows denied that either he or Officer Rodriguez kicked § 87(2)(b) at any time. About a minute after the start of the fight, Officer Roda arrived and assisted by grabbing § 87(2)(b)'s arms. Officer Beddows stated that he did not observe Officer Roda punch or kick § 87(2)(b). The officers were ultimately able to place him in handcuffs.

Officer Beddows denied spitting on § 87(2)(b) and stated that he did not observe any of the other officers do so, either. At no time during this incident did any of the three officers draw their weapons.

When § 87(2)(b) was finally placed in handcuffs, Officer Beddows observed lacerations on the side of his head. § 87(2)(b) was transported to the stationhouse for arrest processing, where a search of

his person uncovered bags of marijuana. After he was processed, he requested medical attention, complaining that his ankle was bothering him and so he was transported to § 87(2)(b) via ambulance. Officer Beddows noted that he sustained lacerations and scrapes on his back and buttocks, but he did not seek medical attention or complete “Line of Duty” paperwork in regards.

Subject Officer: OFFICER JUAN RODRIGUEZ

- *Officer Juan Rodriguez is a § 87(2)(b) year old white male, 5’10” in height and weighing 200 pounds, with brown hair and green eyes.*
- *On December 9, 2008, Officer Rodriguez was assigned to the Anti-Crime team with Officer Daniel Beddows and Officer Robert Roda from 5:30 p.m. to 2:05 a.m. Officer Rodriguez was dressed in plainclothes, specifically a black and red hooded sweatshirt. During his tour he utilized an unmarked grey Cherokee.*

CCRB Testimony

Officer Rodriguez was interviewed at the CCRB on December 17, 2009 (encl. 11A-11C). His account of the radio transmission regarding a black male in a brown jacket and the canvass was similar to that of Officer Beddows, as summarized above. When § 87(2)(b) ran, Officer Beddows got a head start and remained the closest to § 87(2)(b) during the pursuit while Officer Rodriguez was five car lengths behind. When § 87(2)(b) turned the corner onto East 227th Street, Officer Rodriguez made a radio transmission about the chase and became even further behind. § 87(2)(b) then ran into a backyard behind the buildings on East 227th Street between Carpenter Avenue and Lowerre Place. The backyard was described as a space behind the buildings with an open fence. As § 87(2)(b) ran into the backyard, there was a deep ridge—with a drop of approximately eight feet—that went down behind a building; § 87(2)(b) either jumped or fell down this ridge. He later stated that § 87(2)(b) had been running and was either unaware of the drop or was aware but had been mistaken in the height. It seemed to Officer Rodriguez that § 87(2)(b) had mistakenly run off the landing because he heard § 87(2)(b) exclaim “Fuck!” and assumed that this was in reaction to his pain from the fall. Officer Rodriguez claimed that as a result of the jump/fall, § 87(2)(b) landed on his face.

§ 87(2)(b) immediately got to his feet and began running again. Officer Beddows, who had been right behind § 87(2)(b) also jumped down the ridge and landed on his feet. § 87(2)(b) ran down some stairs and into an alleyway, but was unable to go any further due to a locked gate and so Officer Beddows caught up with him. Officer Rodriguez could not see what happened because of the distance and poor lighting conditions in the alleyway. He approximated that Officer Beddows was with § 87(2)(b) for approximately a minute before he caught up.

When Officer Rodriguez reached the alley, he observed § 87(2)(b) and Officer Beddows in a standing position with § 87(2)(b)’s arm around Officer Beddows’ waist. It appeared to him that § 87(2)(b) had been or was attempting to reach for Officer Beddows’ gun. Officer Beddows, who was trying to grab § 87(2)(b)’s arm to prevent him from reaching the gun, exclaimed, “Stop resisting! Stop resisting!” Officer Rodriguez attempted to grab § 87(2)(b)’s arm. As the officers struggled, they all fell to the ground, though he could not describe any further. § 87(2)(b) resisted by preventing his hands from being handcuffed and was kicking, though he was uncertain whether the kicks were successful. In order to handcuff § 87(2)(b) Officer Rodriguez and Officer Beddows each grabbed one of § 87(2)(b)’s arms and placed it behind his back. Officer Rodriguez stated that this was the only force used against § 87(2)(b) during their interaction. He denied that kicked, punched or hit § 87(2)(b) in his face or body and stated that he did not see any other officers perform these actions.

During the struggle, an individual identified via the CCRB as § 87(2)(b) appeared behind the gate and shouted, “Get off him! Get the fuck off him!” Officer Rodriguez never saw § 87(2)(b) speaking with

an officer and denied that any officer cursed at § 87(2)(b). He further denied that any officer drew their gun on him, explaining that the space was too small for the officers to draw their guns. Officer Rodriguez further denied that he made physical contact with § 87(2)(b) and or that he observed any officer engaged in a physical interaction with § 87(2)(b). Officer Roda arrived only after the officers had placed § 87(2)(b) in handcuffs.

Officer Rodriguez affirmed that he observed a scrape above § 87(2)(b)'s eyebrow. He attributed this injury to § 87(2)(b) landing on his face after jumping or falling from the ridge and indicated that he observed this scrape during struggle.

Subject Officer: OFFICER ROBERT RODA

- Officer Robert Roda is a § 87(2)(b) year old male, 5'7" in height and weighing 175 pounds with brown hair and hazel eyes.
- On December 9, 2008, Officer Roda was assigned to the Anti-Crime team with Officer Daniel Beddows and Officer Robert Rodriguez from 5:30 p.m. to 2:05 a.m. Officer Roda was dressed in plainclothes, though he did not recall exactly what he was wearing. During this tour, he utilized an unmarked silver Jeep.

Memo Book (encl. 6A-6C)

Officer Roda's Memo Book notations were similar to his CCRB testimony.

Stop, Question, and Frisk Report (encl. 7A-7B)

Officer Roda completed a Stop, Question, and Frisk Report (UF 250) regarding the stop of § 87(2)(b). The report indicates that he was stopped on suspicion of being in possession of a weapon because he matched a description and engaged in furtive movements. The report indicates that the physical force used against him was limited to placing their hands on him, placing him on the ground, and placing him in handcuffs.

Criminal Complaint Report and Arrest Report (encl. 7C-7F)

Officer Roda completed Complaint Report § 87(2)(b) and Arrest Report § 87(2)(b) regarding the arrest of § 87(2)(b). The narratives of the reports indicate that at the time and place of occurrence, § 87(2)(a) 160.50

§ 87(2)(b) "A search incident to arrest uncovered marijuana. § 87(2)(b) was charged with § 87(2)(a) 160.50

CCRB Testimony

Officer Roda was interviewed at the CCRB on May 7, 2009 (encl. 8A-8C). § 87(2)(g)

When § 87(2)(b) fled, all three officers immediately exited their vehicle to give chase but he returned upon realizing that the police vehicle had been left unattended. In so doing, he lost sight of his partners and § 87(2)(b). Officer Roda drove around looking for them. When he located them, § 87(2)(b) had already been handcuffed and denied that he observed any officer use physical force against him. He further denied that he used physical force against § 87(2)(b) and specifically denied striking him in the face or kicking him. Unidentified uniformed officers responded to the location in regards to the report of a foot pursuit. Officer Roda denied that he heard an officer use profanity at the scene. Officer Roda did not see § 87(2)(b) or § 87(2)(b) at the location of § 87(2)(b)'s apprehension, nor did he ever encounter these individuals again. He noted that his only physical contact with § 87(2)(b) was when he fingerprinted him. During the arrest processing, § 87(2)(b)

asked him for medical treatment for a sprained wrist; he indicated that this was the first time he learned that § 87(2)(b) had been injured.

Medical Records (encl. 12A-12S)

§ 87(2)(b) was seen at the Department of Corrections Rikers Island facility on § 87(2)(b) and a physical examination revealed that § 87(2)(b)'s left hand and wrist were tender and swollen with a decreased range of motion. § 87(2)(b) was seen at § 87(2)(b) on § 87(2)(b) where he underwent treatment for the injury to his wrist. § 87(2)(b) reported that he had experienced pain and loss of sensation since the time of his arrest. An x-ray examination revealed a dissociation of the scaphoid and lunate bones. On § 87(2)(b), § 87(2)(b) underwent a surgical operation for median nerve compression and pinning of the scapholunate dissociation. It was noted that § 87(2)(b) complaints of pain persisted after the surgery. He was ultimately discharged with prescriptions for analgesics.

NYPD Document(s)

SPRINT (encl. 13A-13I)

SPRINT § 87(2)(b) indicates that on December 9, 2008, at 5:54 p.m., there was a report of shots fired at 711 East 227th Street between White Plains Road and Barnes Avenue approximately four blocks from where the stop of § 87(2)(b) was initiated. A 911 caller reported that the perpetrator was a young black male wearing a black hooded sweatshirt. One minute later, the caller stated that the perpetrator was in the backyard of 711 East 227th Street. At 5:56 p.m., a second 911 caller reported that two black males—whose clothing she could not describe—were fighting with a firearm.

47th Precinct Command Log (encl. 14)

The 47th Precinct Command Log contains one entry regarding the arrest of § 87(2)(b). The section regarding his physical and mental condition indicates that he had scratches and cuts to his face and forehead. The log also noted that § 87(2)(b) was refusing to cooperate with requests for pedigree information.

Medical Treatment of Prisoner Report (encl. 15)

A Medical Treatment of Prisoner Report was completed pertaining to the arrest of § 87(2)(b). The report indicates that § 87(2)(b) sustained a contusion to his left wrist and two lacerations to his forehead. It further reported that an x-ray examination of his head, wrist, and other body parts at § 87(2)(b) yielded negative results for signs of injury.

Summons/Arrest for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming psychological and physical injuries and seeking \$3 million dollars as redress (encl. 18A-18C). The New York City Comptroller's Office indicates that a 50H hearing is scheduled for § 87(2)(b).

Civilian(s) Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] and [§ 87(2)(b)] (encl. 2F-2G)

Subject Officer(s) CCRB History

- Officer Robert Roda has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2A).
- Officer Juan Rodriguez has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2B-2C).
- Officer Daniel Beddows has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 2D).

Conclusion

Identification of Subject Officer(s)

Officer Daniel Beddows and Officer Juan Rodriguez affirmed that they attempted to stop [§ 87(2)(b)] and used physical force against him to place him in handcuffs. Both [§ 87(2)(b)] and [§ 87(2)(b)] claim that these officers used discourteous language against them, and [§ 87(2)(b)] additionally alleged that Officer Rodriguez used force against him and pointed a gun at him.

[§ 87(2)(g)]

[§ 87(2)(b)] additionally alleged that shortly after Officers Beddows and Rodriguez apprehended him, a white male officer dressed in plainclothes used force against him and cursed at him. Although Officer Robert Roda, a white male officer, stated that he arrived at the location after [§ 87(2)(b)] had been placed in handcuffs, he was one of the first officers to respond to the scene. [§ 87(2)(g)]

Investigative Findings and Recommendations

Allegation A) Abuse of Authority: Officer Daniel Beddows stopped [§ 87(2)(b)]

Allegation B) Abuse of Authority: Officer Juan Rodriguez stopped [§ 87(2)(b)]

Officer Beddows and Officer Rodriguez consistently stated that they approached [§ 87(2)(b)] with the intention of stopping him because he fit the physical description of an individual involved in a recent shooting in the immediate vicinity and completed paperwork to this effect, a description they

consistently provided as a black male in a brown jacket. However, before they could effectuate the stop, § 87(2)(b) ran away from them. Police communications records confirm the reported shooting on East 227th Street, approximately four blocks from the incident location. While an initial report indicated that the perpetrator was a black male wearing a black hooded sweatshirt, later calls indicate that two black males of unknown dress were involved in the reported shooting. § 87(2)(b) a black male, indicated that he was wearing a brown leather jacket, outerwear of similar—though not identical—coloring. § 87(2)(g)

Patrol Guide Section, 212-11 indicates that officers are permitted to stop individuals when they reasonably suspect them of having committed a crime (encl. 1A-1C). § 87(2)(g)

Allegation C) Force: Officer Daniel Beddows used physical force against § 87(2)(b)

Allegation D) Force: Officer Juan Rodriguez used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Officer Beddows and Officer Rodriguez used force against him by punching him once in the left and right eye and stomach before throwing him to the ground. He alleged that as he lay on the ground in a fetal position, both officers kned his sides in order to get him to stretch his legs out and one punched him in the side. § 87(2)(b) additionally sustained contusions to his face, left hand and wrist and attributed these injuries to the officers. However, it must be noted that as he fled from police, § 87(2)(b) fell over a five foot fence. § 87(2)(b) reported that he fell on his hands and was not injured, § 87(2)(g)

Officer Beddows stated that after § 87(2)(b) punched him in the head and chest, he punched § 87(2)(b) on the face and chest approximately six times. He added that when § 87(2)(b) pushed him to the ground, it was then necessary to restrain § 87(2)(b)'s hands to keep him from reaching for his gun. Officer Beddows stated that when Officer Rodriguez arrived, he tackled § 87(2)(b) Officer Rodriguez, however, claimed that his use of force was limited to grabbing § 87(2)(b)'s hands. All officers denied that § 87(2)(b) was kicked during the incident. § 87(2)(g)

Patrol Guide Section, 203-11 regarding the use of force directs officers that “only that amount necessary to overcome resistance will be used to effect an arrest” (encl. 1D-1E). § 87(2)(g)

Allegation E) Force: Officer Robert Roda used physical force against § 87(2)(b)

§ 87(2)(b) further claimed that Officer Roda arrived several seconds after Officers Beddows and Rodriguez and kicked him on the left side of his face. Officer Roda denied that he was present when Officers Beddows and Rodriguez used force against § 87(2)(b) and § 87(2)(b)'s statement appears to support that assertion. § 87(2)(g)

Allegation F) Discourtesy: Officer Daniel Beddows spoke discourteously and/or rudely to § 87(2)(b)

Allegation G) Discourtesy: Officer Juan Rodriguez spoke discourteously and/or rudely to § 87(2)(b) and § 87(2)(b)

Allegation H) Discourtesy: Officer Robert Roda spoke discourteously and/or rudely to § 87(2)(b)

§ 87(2)(b) initially alleged that as Officers Beddows and Rodriguez struck him, they repeatedly said, “Motherfucker” and “Fucking bitch” but later clarified that Officers Beddows and Rodriguez only called him “You fucking bitch” and Officer Roda who later arrived at the scene, called him, a “motherfucker.” § 87(2)(b) who witnessed the incident, stated that he did not recall whether either Officer Beddows or Officer Rodriguez said anything to § 87(2)(b) during this time. Further, his statement indicated that Officer Roda was not yet present at the scene as § 87(2)(b) claimed he was. § 87(2)(b) alleged that when he verbally objected to their use of force, Officer Rodriguez approached him and said, “Get the fuck out of here,” an account corroborated by § 87(2)(b). All officers denied that they used this or any discourteous language while speaking with § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

Allegation I) Force: Officer Juan Rodriguez used physical force against § 87(2)(b)

Allegation J) Force: Officer Juan Rodriguez pointed a gun at § 87(2)(b)

§ 87(2)(b) alleged that when he attempted to enter pass through the gate to approach the area where § 87(2)(b) was being arrested, Officer Rodriguez used two hands to push him in the chest and then drew and pointed his gun at § 87(2)(b) instructing him to not move. Although Officer Rodriguez acknowledged his presence at the scene, he denied having any interaction with § 87(2)(b) let alone one in which he used profanity, and denied drawing or pointing his gun at § 87(2)(b) adding that the cramped conditions of the alleyway would have prevented him from using his gun. § 87(2)(b) could not provide corroboration of these allegations, as he first alleged that he observed an officer point a gun at § 87(2)(b) but then clarified that § 87(2)(b) only informed him of this afterwards. He made no mention that the officers pushed § 87(2)(b) in any way. All officers were consistent in their assertion that no officer drew his weapon during the incident. § 87(2)(g)

Team: 5

:

Investigator: _____	Carlmais Johnson	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

